

# **City of San Diego Office of Ethics and Integrity ANNUAL REPORT 2006**

*The Office of Ethics and Integrity's mission is to strengthen the City's Ethical Climate so that HONOR is cherished, personal integrity and ethical courage are the cultural norms and all employees are supported and encouraged to use their judgment and initiative in the conduct of ethical practices in the workplace.*

*Through these practices, our workplace will become more customer service oriented; our workforce motivated and satisfied; and public trust will be restored.*

## **MESSAGE FROM JO ANNE SAWYERKNOLL, DEPUTY CHIEF OF ETHICS AND INTEGRITY**

During our first year in existence, the Office of Ethics and Integrity (OEI) has been busy building the foundation of a comprehensive ethics program, conducting outreach to and dialogue with the workforce, ethics experts across the county, and the community-at-large. In spite of challenges, which include low employee morale and the scope of OEI's mission (reaching and training more than 10,000 employees), the office's initial efforts have been extremely successful. Several trainings were conducted in 2006, including two Executive Leadership Ethics Roundtables—the first steps in the City's formal ethics training program. The Ethics Culture Survey commissioned by OEI has provided a benchmark for the office and the City, allowing us to assess where we are and where we need to go. Looking forward to the year 2007 will see the implementation of major OEI initiatives: compliance-based and ethical decision-making and problem-solving training, the Code of Conduct Handbook and other resources for employees, and ramped up efforts to build awareness about OEI-provided supports.

In addition to the ethics program, OEI also houses the City's Diversity Commitment, Human Relations Commission, and Citizens' Review Board on Police Practices. This year, support from the Mayor has helped the Diversity Commitment increase its visibility across the City. The Mayor has asked his executive staff to learn more about how they can support the Diversity Commitment and to create opportunities for employees to participate in Diversity functions. Diversity Education for the City's executive leadership team will begin to address this challenge in 2007.

Finally, the Citizens' Review Board on Police Practices built upon its successful record of handling complaints while increasing the amount of community outreach last year. Also in 2006, the Human Relations Commission continued to address issues through community collaborations and education, and resolution of discrimination complaints. Initiatives such as the Islamic Center of San Diego open house and the Hate Crimes Reward Fund are key examples of the work the Commission does to address tensions within the community, while events such as the MLK Jr. All People's Breakfast are prime examples of community collaboration.

## **HOW OEI DIFFERS FROM THE ETHICS COMMISSION**

OEI is tasked with providing a comprehensive ethics program for *all* employees (classified and unclassified) who work in departments under the Mayor. This program includes ethics training concerning relevant ethics-related regulations, policies and procedures, as well as educational/informational resources. OEI also maintains the Employee Ethics Hotline where any employee may confidentially report waste, fraud, abuse and other unethical behavior.

The City of San Diego Ethics Commission has the responsibility of monitoring, administering and enforcing the City's governmental ethics laws, proposing governmental ethics law reforms, conducting audits and investigations, referring violations to appropriate law enforcement agencies, and advising and educating City officials and the public about governmental ethics laws. Governmental ethics laws include the Ethics Ordinance, as well as the Election Campaign Control Ordinance and the Municipal Lobbying Ordinance. The Ethics Commission has no jurisdiction over classified City employees nor do the provisions of the Ethics Ordinance regulate the activities of classified City employees.

## **OEI COMMUNICATION & OUTREACH EFFORTS**

Since opening its doors, OEI has undertaken an extensive communications program to obtain feedback from employees and to inform the workforce and citizens alike about the office and how it seeks to assist employees.

The OEI **Advisory Committee** is made up of employees at all levels within the organization, from departments across the City. Representatives of the City's labor unions also participate in the group, which provides input to OEI on potential and planned initiatives.

The office has created and regularly updates a **website**, [www.sandiego.gov/oei](http://www.sandiego.gov/oei) and an intranet site (accessible exclusively to City employees) with details about OEI programs and initiatives. The site is interactive, including an Ethics Question of the Month and a link to send suggestions or questions to OEI staff.

In an ongoing process begun in March 2006, OEI staff continues to make in-person **presentations** to employees to share information about the office and its initiatives. To date, approximately 2500 employees in departments across the City have been reached through these presentations.

OEI's **newsletter**, *Words and Deeds: Ethics and Diversity News*, is published every-other-month. The newsletter includes updates from all of OEI's groups, including the Diversity Commitment, Human Relations Commission, and Citizens' Review Board on Police Practices. *Words and Deeds* is also posted on the OEI website so that members of the public can be informed.

A **monthly e-mail**, *OEI In Focus*, is sent to those employees and citizens who subscribe to the OEI mailing list. This publication shines the spotlight on a specific OEI initiative or activity each month.

Since October 2006, each new City employee receives a **brochure** about OEI and its programs, including how to report misconduct and how to seek advice for ethical dilemmas, upon hire. This brochure is also provided to volunteers within select City departments.

## **ETHICS TRAINING SESSIONS**

Because leaders set the tone of the organization, OEI kicked off its ethics training program with two **Executive Leadership Ethics Roundtable** sessions for the Mayor, Chief Operating Officer (COO), all Deputy Chiefs, Assistant COO, Fire-Rescue Chief, Police Chief, and Personnel Director. Facilitated by experts in government ethics from the Markkula Center for Applied Ethics, the sessions began a conversation about how the City of San Diego can strengthen and maintain a culture and practice of ethics, and introduced critical issues and national patterns in local government ethics.

The Roundtables included a focus on:

- Role modeling of expected behavior;
- Values-driven leadership beyond technical requirements;
- Responsibility to create credibility, trust and cultural values;
- Discussion of emerging ethical issues in this City's government;
- Tools for communicating ethics and City core values in formal and informal ways; and
- Development of a culture that consistently values open and honest discussions among employees about ethical issues and decision-making without concern of adverse consequences

In May 2006, OEI also began conducting ***ad hoc* ethics training** for departments and small groups. Twenty-five employees in the City's CIP Project Management Academy (employees involved in the planning, design or construction of public improvement projects), 90 library clerks and assistants, and 75 members of the Supervisor's Academy (current and potential supervisors) received ethics training from OEI. These trainings were scenario-based, small-group sessions with a focus on working through issues employees may confront in their jobs.

Finally, after letting a Request for Proposals, OEI has **selected a vendor** to design and deploy online compliance-based ethics training for all City employees. This training, scheduled to begin in spring 2007, will specifically address areas such as: sexual harassment; discrimination; falsification of records; conflicts of interest; improper use of position; improper use of City resources; and favoritism/nepotism, among other topics. The training will also cover City rules regarding gifts and favors; e-mail and Internet usage; whistleblower protection; and confidentiality, as well as other policies and procedures.

## **ETHICS PLEDGE**

In an ongoing effort begun in March 2006, more than 200 unclassified employees have signed a **Pledge of Ethical Principles and Core Values** upon employment by the City. The pledge spells out the core values of Ethics, Integrity, Open Communications and Accountability and lists five areas of focus: accountability to citizens; acting with ethics and integrity; avoiding illegal/unethical/improper conduct, or the appearance of it; open and honest communications with fellow employees without fear of retaliation; treating others fairly, honestly, and respectfully.

## **CITYWIDE ETHICS CULTURE SURVEY**

In September 2006, the Washington, D.C.-based Ethics Resource Center (ERC) administered the Ethics Culture Survey. Thirty-one percent of City employees participated in the survey, which was designed to help the OEI create initiatives to strengthen the City's ethical climate. Specifically, the survey measured:

- what employees think about the City's ethical culture/climate;
- what ethics issues are important to employees;
- how comfortable employees feel about their understanding of ethics policies, procedures and regulations;
- the level of observation of misconduct (if any); and
- to what extent employees feel supported when/if they bring up ethical concerns.

Survey data will also be used as a baseline against which the City can gauge the effectiveness of its ethics and compliance initiatives as they are implemented.

Key findings from the Ethics Culture Survey include:

- There is a perception that employees are treated differently based on their level in the organization – the most senior employees are perceived to be less accountable than those who are not in management.
- Employees are more positive about the ethical behavior of their supervisors than “top management.”
- Employees are not well aware of City resources to help them make ethical decisions. Misconduct is observed more than the U.S. average but reported at lower levels. Abusive or intimidating behavior is the most frequently observed type of misconduct, significantly greater than the national average.
- About one-quarter of respondents felt pressure to compromise the City's ethical policies and procedures – almost double the U.S. average.
- Employees are generally confident that they can recognize ethical issues at work, but some feel unprepared to handle these issues.

## **EMPLOYEE HOTLINE**

The **Employee Hotline** is designed for reporting suspected cases of waste, fraud, abuse or other unethical conduct. In 2006, the Employee Hotline accepted 180 reports, falling into the following categories:

Issue Type	Number of Complaints	Percent of Total*
<b>Total Reports</b>	<b>180</b>	<b>—</b>
Employee Relations	58	32
Policy Issues	28	16
Theft of Time	23	13
Customer Relations	17	9
Conflicts of Interest	14	8
Discrimination	9	5
Fraud	4	2
Workplace Violence/Threats	4	4
Retaliation of Whistleblowers	3	2
Safety Issues and Sanitation	3	2
Sexual Harassment	3	2
Substance Abuse	3	2
Thefts of Goods/Services	3	2
Accounting/Audit Irregularities	2	1
Product Quality Concern	2	1
Release of Proprietary Information	2	1
Falsification of Company Records	1	1
Kickbacks	1	1

*\* Rounded to the nearest 1 percent*

## **HOW THE HOTLINE WORKS**

A third-party operator takes the caller's information and provides the caller with a case number they can use to call the Hotline back to add further information. The provider sends an Incident Report to OEI, which convenes the Intake and Review Committee (made up of (1) the Deputy Chief Ethics and Integrity, (2) the Personnel Director, (3) the Auditor and Comptroller, (4) a Labor Relations Officer, and (5) the Ethics Audit and Compliance Specialist). The Intake and Review Committee reviews the complaint and determines whether it meets the criteria for referral and resolution through OEI. Through monitoring and reminders, OEI ensures that timely investigative and resolution activities are undertaken in response to complaints received through the hotline.

## **DIVERSITY COMMITMENT**

Dedicated to creating an environment where differences are valued and all City employees are a productive part of a high-performing team delivering services to the community, the Diversity Commitment is now a part of OEI.

The Diversity Commitment's signature program is **Diversity University**, a series of four 8-hour classes, meeting once a week for four weeks. Topics covered in Diversity University include diversity, inclusion and cultural competency; a look at prejudice; communicating effectively across differences; and using dialogue to build understanding. In 2006, four Diversity University sessions were offered to City staff, with attendance of nearly 125 employees from departments across the City.

Through sessions at four Supervisor's Academy **training sessions**, Diversity Commitment staff reached 100 City employees, educating them and providing useful tools to address cultural influences on teamwork, communication, and conflict. Diversity Commitment staff also conducted a training session for 200 lifeguards on the City's Sexual Harassment policy and fostering a work environment that values diversity. In addition, Diversity staff conducted four "Coping with War" sessions, providing employees and managers an opportunity to share concerns, feelings and support regarding having family and loved ones in harm's way all over the world.

In late 2006, in order to expand offerings such as Diversity University, Diversity staff began the process of selecting and training City employees who can become part of a **Citywide pool of diversity facilitators** to assist with facilitation of diversity trainings. In addition to being able to offer more sessions and reaching a larger number of City employees, this effort has the added benefit of providing professional development to City employees. Those trained as diversity facilitators will gain skills helpful in areas such as conflict resolution and mediation, non-judgmental listening, giving presentations, facilitating group discussions, and helping groups reach agreements and develop new practices that will work.

The **Coalition of Employee Support Associations** is a citywide group consisting of representatives from each of the City's affinity groups, or Employee Support Associations. There are currently ten citywide affinity groups and four groups from Police and Fire. These groups are open to all City employees, and provide networking and mentoring support to their members. In addition, members from these groups offer support to the City as a whole by taking on informal

roles such as translators, recruiters, mediators, etc. The Coalition also serves upper management, and the Diversity Commitment, by giving a voice to groups which continue to be underrepresented in management and many other decision-making roles. OEI recently resumed regular meetings between the Coalition and upper management. Diversity staff continues to offer support and facilitation to the Coalition.

Through Words and Deeds: Ethics and Diversity News, Diversity Commitment staff provided **tips for employees**, supervisors and managers about valuing diversity during the holiday season, helping the City workforce strike a respectful balance that recognizes and values people of all faiths.

### **CITIZENS' REVIEW BOARD ON POLICE PRACTICES**

The primary responsibility of the Citizens' Review Board on Police Practices (CRB) is to review and evaluate the investigations of citizen complaints, Officer Involved Shootings and deaths in custody conducted by the Internal Affairs Unit of the San Diego Police Department (SDPD). The **CRB received 86 citizen complaints and completed 61 case reviews and 7 shooting reviews** in 2006.

The CRB has also been assigned the task of administering the Appeals Hearing Process for appeals to decisions regarding police regulated businesses. During the year **70 appeals hearings** were completed.

In order to enhance the competence/confidence of the Members as well as the confidence of the SDPD in the CRB and its process the following **trainings** have been completed:

- A one-day training for all members and prospective members at the Regional Law Enforcement Training Academy.
- Each member has received training in the Community Outreach process in order to provide information about the CRB to the public.
- Each prospective member has completed a four-hour training on the history and responsibilities of the CRB; legal issues including the Brown Act and relationship with the City Attorney; SDPD organization and operations and Internal Affairs operations.
- Each prospective member has completed a four-hour training on case review and evaluation, report writing and report presentation.
- Each prospective member has completed a three month assignment to one of the CRB's seven review teams as a trainee in order to obtain practical experience in the case review process.

Recruitment targeted at specific communities has resulted in a diverse membership for the CRB. In order to maintain and expand the diversity, the Executive Director along with the Recruitment Committee is conducting a **targeted recruitment**. Recruitment in specific communities and identity groups is being accomplished through direct meetings with community leaders and organizations, special presentations and individual meetings with prospective volunteers. The process has identified ten individuals so far who appear to possess the qualifications and skills necessary for successful membership. Final interviews were conducted in December and a list of 8 names were forwarded to the Mayor in January 2007.

**Informing the community** about the work of the CRB has always been seen as of prime importance. During 2006 the Outreach Committee decided to include in its efforts outreach to the officers of the SDPD and the Police Officers Association:

- Staff and members have made more than 20 informational presentations to various community groups.
- Staff and members have made presentations at to officers in line ups at the various Divisions of the SDPD
- Staff and members have made presentations at each CRT class conducted by the SDPD.
- Staff and members have made presentations to all new hires during initial orientation.

The CRB has developed and printed a Spanish language **brochure** about the Board and its process. Private funds were raised in order to pay the costs. Private donations also paid to reprint the English language brochure.

A **Frequently Asked Questions** (FAQ) informational flyer was developed for use with the public. Another FAQ was developed targeted at SDPD Officers.

## **HUMAN RELATIONS COMMISSION**

The mission of the Human Relations Commission (HRC) is to address human relations issues--- Three major strategies, community collaborations, community education, and resolution of discrimination complaints, are the core of the Commission's programs and community activities. These strategies focus on fighting discrimination and injustice, resolving actual or potential conflicts, and encouraging civic engagement, coalition building and a community climate of mutual respect and understanding among San Diegans.

HRC staff and members arranged a special **open house at the Islamic Center of San Diego** for members of the Regional Human Relations Commissions and their guests. The Vice President of ICSD Women's Committee and a representative of the Islamic Speakers Bureau of San Diego presented an informational program on Islamic social systems and human and civil rights, Islamic beliefs, practices, and women's rights in Islam.

The Commission worked with community groups who supported getting permission of City Council to issue the **right-of-way permit for the eruv line**, a demarcation that symbolically expands the "home" of Orthodox Jews trying to observe Sabbath laws in the midst of changing times. Council approved the right of way.

The Commission Chair and Commissioners helped establish a **Hate Crimes Reward Fund** to assist in gathering information in future hate crimes after a violent hate crime during Gay Pride weekend.

The Commission **trained more than 150 Border Patrol agents** on Black history during February 2006.

HRC helped establish programming in San Diego for the **Jacobs International Teen Leadership Institute**. The institute brings together 50 co-ed high school students, (Israeli Christian, Jews, Arabs and Palestinians from Gaza strip, and American Jews and Muslims),



who visit San Diego as part of education and leadership development in the context of interacting with other cultures.

A barrage of hate-filled flyers full of misinformation, illegally placed in mailboxes and light poles in Mission Village, created havoc at the June 2006 **Serra Mesa Planning Group meeting**, where the issuance of a conditional use permit for an Afghan Community Center was on the agenda. A question and answer session between the audience (with more than 10 times as many people as usually attend planning group meetings) and representatives of the Afghan community was facilitated by the HRC Chair and a member of the commission. As a result, the meeting went from contentious and explosive to calm and informative.

HRC worked with San Diego NAACP to **facilitate a dialogue and discussion on marriage equality** between conservative and progressive elements of the African-American religious community. The format, set by the California NAACP, was in response to their support of the gay and lesbian community's struggle for the economic parity for same-sex partners that exist for heterosexual couples by supporting same sex marriages. (There are 1,138 federal benefits and protections married couples can, but same-sex couples cannot access, such as social security benefits, family and medical leave and joint income tax filing).

Three Human Relations commissioners were trained by the American Immigration Lawyers Association, the ACLU of San Diego & Imperial Counties, the San Diego La Raza Lawyers Association and the National Lawyers Guild of San Diego **as legal observers**. While on duty, they observe, report and record any encounters or acts of violence between the migrants and the civilian patrols.

# **THE OFFICE OF ETHICS AND INTEGRITY**

## **BY THE NUMBERS**

### **2006**

2500	Approximate number of employees reached through OEI presentations
1500	Participants in the 18th annual Martin Luther King Jr. All People's Breakfast, organized by the Human Relations Commission
215	Number of unclassified employees who have signed the Pledge of Ethical Principles and Core Values
200	Lifeguard employees trained on the City's Sexual Harassment Policy and fostering an environment that values diversity
180	Reports accepted by the Employee Hotline
150	Border Patrol agents trained by the Human Relations Commission during Black History Month
125	Participants in the Diversity Commitment's Diversity University
100	Participants in diversity training at Supervisor's Academy
90	Library clerks and assistants who participated in OEI <i>ad hoc</i> ethics training
86	Citizen complaints received by the Citizens' Review Board
75	Participants in ethics training at Supervisor's Academy
70	Appeals hearings conducted by the Citizen's Review Board
50	High school students from around the world brought to San Diego through the Jacobs International Teen Leadership institute, with programming assistance from the Human Relations Commission
41	Percentage of Ethics Culture Survey respondents who reported observing misconduct in the last year
31	Percent response rate for the first-ever Ethics Culture Survey
25	Participants in ethics training at the City's Project Management Academy
24	Percentage of respondents who agrees or strongly agreed that top management is held accountable if caught violating the City's ethical policies
7	Shooting reviews conducted by the Citizens' Review Board

## **OEI STAFF**

Jo Anne SawyerKnoll  
*Deputy Chief, Ethics and Integrity*

Music McCall  
*Assistant Deputy Chief, Ethics and Integrity*

Pauline Jimenez  
*Executive Secretary*

Jeanine Hillis  
*Ethics and Diversity Specialist*

Danielle Knighten  
*Ethics Audit and Compliance Specialist*

Cavelle Levine-Lake  
*Management Intern*

Scott Fulkerson  
*Executive Director, Citizens' Review Board on Police Practices*

Elvia Sandoval  
*Executive Secretary*

Ashley Walker  
*Executive Director, Human Relations Commission*

Connie Hernandez  
*Executive Secretary*